

**MINUTES
LEXINGTON COUNTY COUNCIL
AUGUST 24, 2004**

Lexington County Council held its regular meeting on Tuesday, August 24, 2004 in Council Chambers, beginning at 4:30 p.m. Chairman Davis presided; Mr. Wilkerson gave the invocation; Mr. Cullum led the Pledge of Allegiance.

Members attending:	George H. Smokey Davis	Bruce E. Rucker
	William C. Billy Derrick	Jacob R. Wilkerson
	Bobby C. Keisler	Johnny W. Jeffcoat
	John W. Carrigg, Jr.	Joseph W. Owens
	M. Todd Cullum	

Also attending: Art Brooks, County Administrator; Larry Porth, Finance Director/Deputy County Administrator; Katherine Doucett, Personnel Director/Deputy County Administrator; Jeff Anderson, County Attorney; other staff members, citizens of the county and representatives of the media.

In accordance with the Freedom of Information Act, a copy of the agenda was sent to radio and TV stations, newspapers, and posted on the bulletin board located in the lobby of the County Administration Building.

Employee Recognition - Art Brooks, County Administrator - Mr. Brooks recognized Mike Cummins, Homestead Supervisor, Auditor's Office and Dianne Hampton, Indexing Supervisor, Register of Deed's Office for assisting a citizen with information needed to probate an estate. The citizen said she was very impressed with their friendly and professional attitude.

Mr. Brooks received a letter from a citizen thanking Ralph Ford, Senior Cartographer, Planning/GIS for his kindness and professionalism and said it was refreshing to know there are "good quality government employees."

Mary Ann Taylor, Personal Property Coordinator, Auditor's Office was recognized for her assistance to a citizen who said with all she had been through the past two years, she was convinced that there was no person living on earth who was honest, caring, efficient, helpful, and who would follow through with anything but said Mary Ann was all those things.

Mr. Brooks received a letter from a citizen commending Chris Folsom, Animal Services Coordinator, and staff of Animal Services for assisting a citizen with a cat problem who said he was impressed with the cleanliness of the facility, the efficient manner in which it is operated, but most of all, the humane treatment of the animals.

Sammy Rikard, Engineering Associate III and Sheri Armstrong, Engineering Associate II with Public Works were recognized for assisting a citizen with an expansion project.

Mr. Brooks said he received a letter from Ms. Cathy Novinger, Midlands Business Leadership Group, commending Lexington County on the implementation of the streamline and innovative on-line permitting process which will allow developers and engineers the ability to track the progress of projects on the County's website alleviating delays and allowing completion of projects in a timely manner.

S.C. Law Enforcement Officers' Association - Award of Excellence - Presented by Ms. Alisa Mosley - Ms. Mosley presented the 2004 Santee Cooper S.C. Law Enforcement Officers' Association (SCLEOA) Award of Excellence to Sheriff Metts and Chief James on behalf of the Lexington County Sheriff's Department. Ms. Mosley stated the Santee Cooper SCLEOA Award of Excellence recognizes the premier law enforcement agency in South Carolina and said it is a very prestigious award that is awarded annually to one agency or department.

Presentation of Resolution - Palmetto Health Hospice - Presented by Chairman Davis - Chairman Davis presented a resolution to Misses Holly Knight and Alice Hughes, Administrators, and staff with Palmetto Health Hospice honoring them on their 25th Anniversary in assisting and caring for terminally ill patients.

Resolutions - Impact Fee Ordinance, Lexington County Sheriff's Department - 2004 Santee Cooper Excellence in Law Enforcement Award, and Oak Grove Magistrate's Office - Mr. Cullum made a motion, seconded by Mr. Wilkerson that the resolutions be adopted.

Mr. Davis opened the meeting for discussion; no discussion occurred.

In Favor:	Mr. Davis	Mr. Cullum
	Mr. Wilkerson	Mr. Rucker
	Mr. Derrick	Mr. Keisler
	Mr. Jeffcoat	Mr. Carrigg
	Mr. Owens	

Appointments - Midlands Workforce Development Board - Chairman Davis asked Mr. Mike Caulder, Board Member, to come forward to answer questions Council had regarding appointments to the Midlands Workforce Development Board.

Mr. Caulder said the Midlands Workforce Development Board is for employment and training programs in Richland, Fairfield, and Lexington Counties. The membership is prescribed for this Board to a certain extent and then to another extent there is some flexibility. In this case, this particular appointment is to replace one of the individuals that was determined to be an appointment of Lexington County and it is a mandated partner in our one-stop system. It is the person that serves as the representative from the South Carolina Department of Vocational Rehabilitation and that

gentleman was Carroll Martin who has retired. Now there is a vacancy and it is one that has been allocated to Lexington County. South Carolina Department of Vocational Rehabilitation submitted a nominee for a replacement, Mr. Dru Beckham, who is not a resident of Lexington County. However, his offices are in the County and serves the citizens in this County. This is strictly a decision whether or not you want to make this appointment, but we have to by law have someone representing the South Carolina Department of Vocational Rehabilitation on this Board.

Mr. Wilkerson asked for a composition breakdown of members for each county.

Mr. Caulder replied, the total number of Board members is 39. There are 15 from Lexington, 16 from Richland, and 8 from Fairfield.

Mr. Carrigg asked how often does these appointments come up.

Mr. Caulder replied, to this case it was due to retirement. However, appointments serve a two-year term. But what happened in this case is that because the Legislation for the Workforce Investment Act is up for renewal, we had an extension approved to carry these members forward for another year because some of the discussion about re-authorization of the program has talked about eliminating the requirement to have partners represented on the Board; make it strictly a private sector or business sector Board.

Mr. Carrigg stated the reason for his question is because this is the first he has heard about this Board.

Mr. Caulder replied, they had originally been appointed when it was first passed in 2000 then it was extended beyond that.

Mr. Wilkerson asked whether the current composition members of 15 and 16 now would be changed to 17 and 14.

Mr. Caulder replied, that is as of now. It would stay at 15 Lexington and 16 Richland.

Mr. Owens asked if Council is appointing these individuals, why no one from Lexington County is given a chance to apply and said it appears Council is being told who to choose.

Mr. Caulder replied, it seems that way because it is a situation where the State Workforce Board, within the guidelines of the Legislation, lays out certain requirements for these mandated partners that have to be on the Board and they say what agencies we have to use to appoint. And in this case, a representative has to come from the South Carolina Department of Vocational Rehabilitation.

Mr. Owens asked, why do they need us (Council)?

Mr. Caulder replied, there are other appointments that Council makes, which are private sector

appointments, and it is supposedly a locally driven Board.

Mr. Owens stated if he is responsible for making an appointment he would like the opportunity to appoint someone that is worthy and capable from Lexington County.

Mr. Caulder replied, that is an option that you have. We are not suggesting that you are required to appoint this individual (Mr. Dru Beckham). We can go back to the South Carolina Department of Vocational Rehabilitation and find out if they have someone else who they would like to nominate.

Mr. Owens replied, they nominate; we approve.

Mr. Caulder replied, that's correct; for this particular position.

Mr. Owens asked what happens after this?

Mr. Caulder replied, once you approve it, this person would begin serving on the Midlands Workforce Development Board attending our meetings.

Mr. Owens replied, that is going to happen every time. They are going to nominate and we are going to approve.

Mr. Caulder replied, whenever there is a vacancy for that particular agency.

Mr. Owens stated he doesn't know how many people here knew this Board existed.

Mr. Wilkerson replied, it just started in 2000.

Mr. Carrigg stated Ms. Black has just explained to him the particulars about this Board and asked Ms. Black to address Council. He said Council has been making appointments to this Board but it was known as the Private Industry Council for several years.

Ms. Black stated Council has always depended on Ms. Austin to make sure Council's appointees were correctly done from the entities that we were able to have on this Board or told that we would have on this Board. At one time this Board was known as the Private Industry Council. Ms. Austin was always helpful in making sure that all the appointees were eligible and could serve. Now it is known as the Workforce Development Board; it changes with the Federal Legislation.

Mr. Owens stated he is not sure if that answers his questions.

Ms. Black said Council has been making appointments to the Board for a number of years but it was known as PIC (Private Industry Council).

Mr. Derrick asked Mr. Caulder to have the Board locate an individual who resides in Lexington

County and works for the South Carolina Department of Vocational Rehabilitation and make another appointee.

Mr. Caulder replied, we can certainly do that.

Mr. Derrick stated if it is impossible, then Council will reconsider.

Mr. Caulder replied, at that point it may be that we would have this appointment come from another of the two counties and we can do a trade-off with one of the partner

Mr. Derrick replied, surely somebody lives in Lexington County who works for the South Carolina Department of Vocational Rehabilitation.

Mr. Caulder replied, that's true.

Building Code Board of Appeals - Mr. Michael C. Shealy - A motion was made by Mr. Derrick, seconded by Mr. Wilkerson to appoint Mr. Michael C. Shealy to the Building Code Board of Appeals.

Mr. Davis opened the meeting for discussion; no discussion occurred.

In Favor:	Mr. Davis	Mr. Derrick
	Mr. Wilkerson	Mr. Rucker
	Mr. Keisler	Mr. Jeffcoat
	Mr. Carrigg	Mr. Owens
	Mr. Cullum	

Bids/Purchases/RFPs - A motion was made by Mr. Rucker, seconded by Mr. Owens that the following bids/purchases/RFPs be approved.

Function One Computer Hardware Purchase - Information Services - Staff recommended the purchase of fifty (50) Dell computers and thirty-seven (37) monitors for Information Services. The requested computers and monitors are to replace existing equipment in thirteen (13) County departments. The Dell computers will be purchased directly from the manufacturer, Dell, through State Contract Number 03-S5869-A9659.

Quotations were solicited for the purchase of monitors. Three (3) quotes were received. Staff recommended to purchase the monitors from Florida Micro as being the lowest responsible bidder. The cost of the computers and monitors is \$33,543.16 including tax.

Print Management Client Module, Release Station Module and Installation - Library Services - Quotations were solicited from qualified vendors for the purchase of one (1) Print Management Client module, one (1) Release Station module, and installation. This is a software package that will

be on all public Internet computers in the Library system and any other computer connected to a networked printer that will allow patrons who want to print out documents, web pages, etc. from a computer to choose how the selections would like to be printed. Three (3) quotes were received. Staff recommended awarding the quote to Interface Electronics as being the lowest responsible bidder. The total cost of the modules and installation is \$6,998.20 including tax and shipping.

Classroom Furnishings - Public Safety/EMS - Competitive telephone bids were solicited for the purchase of classroom furnishings for Public Safety/EMS. The furnishings, 120 stacking chairs and 40 folding tables, are required to furnish a large classroom for EMS in-service training and other County group functions. Four (4) bids were received. Staff recommended awarding the bid for chairs to Office Furniture USA as the low bidder meeting specifications. The unit price of each chair is \$65.33. Staff recommended the purchase of the tables from Virco Manufacturing Company through State Contract Number 04-S6042-A9904 at a unit price of \$52.00. Total cost for the tables and chairs is \$10,415.58 including tax.

Better Built Trailer - Public Works - Staff recommended the purchase of a Better Built trailer for Public Works from Lee Transport through State Contact Number 02-S5134-A8520. The replacement trailer is to replace a 1979 Bame trailer. The cost of the trailer including tax is \$8,889.13.

Caterpillar Motorgraders/Sole Source Procurement - Public Works - Staff recommended the rebuilding of four (4) caterpillar motorgrader engines to the sole source provider, Blanchard Machinery Company for Public Works. This has been deemed a sole source as they are the only factory authorized dealer for South Carolina. Upon completion, the rebuilt engines will have a one (1) year warranty or 2000 hours. The cost for rebuilding the engines is \$122,016.00 including tax.

Isle of Pines Water & Sewer Main Extensions - Public Works - Bids were advertised and solicited from qualified contractors for improvements on Isle of Pines water and sewer main extensions. The construction of the sewer line includes approximately 1,820 LF of 4" C900 CL150 PVC force main, 1,290 LF of 3" CL200 PVC force main, 420 LF of CL200 PVC force main with associated valves and fittings. The water line includes approximately 4,060 LF of 4" C90 CL150 pipe and 420 LF of 2" CL200 PVC pipe with associated valves and fittings. Three (3) bids were received. Staff recommended awarding the bid to Meetze Plumbing Co. of Irmo, SC as being the low bidder. The total bid, based on estimated quantities, is \$147,880.15.

Computer Servers and Microsoft Software - Sheriff's Department - Staff recommended the purchase of three (3) computer servers and Microsoft software for the Sheriff's Department. The servers and software are needed for the North, South, and West Region offices. The computers will be purchased directly from the manufacturer, Dell, through State Contract Number 03-S5869-A9659. The Microsoft software will be purchased from Software House International under State Contract Number 01-S4072-A7243. The cost of the Dell servers and Microsoft software including tax is \$12,392.37.

Fleet Vehicle Replacements - Sheriff's Department - Staff recommended the purchase of one (1) marked 2005 Chevrolet Impala patrol sedan and fifteen (15) marked 2005 Ford Crown Victoria sedans for the Sheriff's Department. The Chevrolet Impala will be purchased from Herndon Chevrolet through State Contract Number 04-S6141-A10125. The Crown Victorias will be purchased from Vic Bailey Ford through State Contract Number 03-S5456-A9087. Total cost of vehicles including tax is \$333,154.13.

Kofax Workstation Licenses and Annual Maintenance - Sheriff's Department - Quotations were solicited from qualified vendors for the purchase of one (1) three-pack Kofax Workstation licenses with annual maintenance. The additional workstation licenses are needed for the document imaging system which will increase work efficiency and will allow the Sheriff's Department to distribute documentation for imaging and indexing for their reports and record storage. Three (3) quotes were received. Staff recommended awarding the purchase to Red Eagle Consulting, Inc. as being the lowest responsible bidder. Total cost of software and maintenance is \$7,830.90 including tax and shipping.

Roamabout R2 Wireless System - Sheriff's Department - Staff recommended the purchase of equipment and installation of the Roamabout R2 Wireless system for the Sheriff's Department to Data Network Solutions through State Contract Number 04-S6261-A10265 at a cost of \$18,975.53. The wireless network communication equipment will be used to transmit and receive data gathered by the deputies using the laptop field reporting system.

Video Conferencing Equipment - Sheriff's Department - Council tabled the request to purchase video conferencing equipment for the Sheriff's Department until the view stations in Circuit Court have been installed and tested.

Microsoft Software - Solicitor's Office - Staff recommended the purchase of various Microsoft software for the Solicitor's office to Software House International under State Contract Number 01-S4072-A7243. Total cost including tax is \$7,947.33.

Professional Engineering Services - Solid Waste Management - Resumes were solicited from qualified engineering firms to provide necessary engineering services related to all aspects of the Solid Waste Management operation for Lexington County. Seventeen (17) resumes were received. The initial term of the contract will be for a period of three (3) years with extensions on an annual basis not to exceed four (4) additional one (1) year periods. Staff recommended contracting with Alliance Consulting Engineers.

Steel Plates - Solid Waste Management - Bids were solicited for the purchase of 135 steel plates for Solid Waste Management. The steel plates are needed as runners to be installed under the compact containers. Staff recommended awarding the bid to Mike's Specialties, Inc. as the low bidder meeting specification. The total cost including tax is \$24,776.48.

Mr. Davis opened the meeting for discussion.

Mr. Jeffcoat made an amendment to the motion, seconded by Mr. Derrick to delete the video conferencing equipment for the Sheriff's Department.

Vote on Amendment:

In Favor:	Mr. Davis	Mr. Jeffcoat
	Mr. Derrick	Mr. Rucker
	Mr. Wilkerson	Mr. Keisler
	Mr. Carrigg	Mr. Owens
	Mr. Cullum	

Vote on Motion as Amended:

In Favor:	Mr. Davis	Mr. Rucker
	Mr. Owens	Mr. Derrick
	Mr. Wilkerson	Mr. Keisler
	Mr. Jeffcoat	Mr. Carrigg
	Mr. Cullum	

Chairman Davis asked if Council would like to consider the video conferencing equipment for the Sheriff's Department independently.

Mr. Jeffcoat replied that he would like to consider it independently. Mr. Jeffcoat stated in a meeting with Judge Westbrook he had asked that the video conferencing equipment for the Magistrate's office be put on hold until the view stations in Circuit Court have been installed and tested.

A motion was made by Mr. Jeffcoat, seconded by Mr. Owens to decline the video conferencing equipment at this time.

Mr. Carrigg asked whether this equipment is for bond hearings.

Mr. Jeffcoat replied, I don't know what they are for, it doesn't say. I am just telling you that Judge Westbrook asked that this equipment for the Magistrate's office be put on hold if we didn't mind doing that for him.

Mr. Carrigg asked, what is the timeframe on the bid for the video conferencing equipment?

Ms. Sheila Fulmer, Procurement Manager, said most of the equipment is under State contract and said the bid portion was minimal but could be obtained in 30 to 60 days.

Mr. Davis asked whether this purchase is for the Sheriff's Department or

Mr. Owens replied, Magistrate's office.

Sheriff Metts responded, that's not exactly right.

Mr. Owens replied, correct this is the Sheriff's Department.

Mr. Cullum asked for the reasoning behind the delay if the Judge

Mr. Jeffcoat replied, I just gave you the reason a while ago.

Mr. Cullum replied, because the Judge said so. Is that the reason?

Mr. Jeffcoat replied, the reason was that he would like to have the equipment installed and tested in Circuit Court before installing it in the Magistrate's office and had asked that Council hold this request.

Mr. Rucker asked whether the Sheriff is aware of this discussion since this purchase request is from the Sheriff's Department.

Mr. Wilkerson stated to clarify this purchase he said the purchase request stated "The video conferencing equipment is required to link the Magistrate's office located at 139 East Main Street, the main jail located at 521 Gibson Road,"

Sheriff Metts replied, I certainly don't understand what the Judge's request with it is because it has nothing to do with the Circuit Court. What this is going to do is allow us to do video monitoring as we move part of our process out of the current facility into the remodeled courthouse and that would allow us not to have to transport prisoners down to the courthouse which is unsafe and untimely, etc. By putting this equipment in we could continue to bring those before the magistrates without having to transport. So it is a safety issue and it is a technological issue. I'm not sure of the time line on the moving to the courthouse, maybe the Chief or the Judge could explain that, but I don't see the relevance in the Circuit Court. They don't set bonds out of the jail.

Mr. Carrigg stated you could transport a magistrate down there

Mr. Jeffcoat replied, like you've been doing.

Sheriff Metts replied, no. What we haven't been doing Mr. Councilman is that they come to the actual facility. We are talking about moving that courtroom which will no longer be at the Sheriff's Department to the renovated old courthouse. So if we move the courtroom where the magistrates now come to set bond that means we either are going to have to transport the prisoners or like you said, continue the magistrates to come and if we are going to do that, there is no reason to move the courtroom.

Mr. Jeffcoat replied, what I was going to say is simply we will just keep it as it is until we find out what the Judge is wanting to do.

Sheriff Metts replied, yes sir. You certainly have that prerogative; I just don't understand as Circuit

Court has nothing to do they don't do bonds this way. I don't know what Judge Westbrook and I don't want to be indifference to him; I wished he would have talked with us so we could understand what he wanted before he tried to derail something to move progress along in the Sheriff's Department and the Magistrate's office; that's all I am saying. If we delay it, we are delaying moves, we are adding to the safety, we are adding more manpower to transport inmates, which is something we don't want to do.

Mr. Jeffcoat replied, you won't have to transport anybody at all until we get the courthouse finished.

Sheriff Metts replied, that's correct. No, let's all deal with the courthouse.

Mr. Jeffcoat stated it will be the same until we find out what the Judge wants.

Judge Lucas replied, I thoroughly understand that and I have not had the opportunity to talk with Judge Westbrook, but by all means, I would request and honor that request from him, from a Circuit Court level if he has bugs that may need to be worked out within the system. I would honor and respect that.

Mr. Jeffcoat replied, I am just telling you what the Judge told me this morning about 10 o'clock and advised Sheriff Metts that this is not "killing" anything, but a delay

Sheriff Metts replied, Mr. Chairman and members of Council, I don't have a problem with it; I just don't quite understand what the Judge's request is because this has nothing to do with Circuit Court. It has to do with the bonding of prisoners and whether or not we continue as we are, because we could do that, but we are trying to move space, reallocate space as growth in the County dictates and by having this equipment in we won't have to move inmates to the new facilities and we won't have magistrates having two facilities to man.

Mr. Jeffcoat replied, which again we won't do that until we get this (equipment) in place. We won't be moving; we will leave it just as it is.

Sheriff Metts replied, it does take time to order and get technology and put it in place. You are delaying it for some period of time and like the Chief Magistrate said, I certainly honor the request of the Judge, I just don't understand the pertinent of his request and his video imaging of equipment and what we are doing. I don't see them being the same thing. If that's what you want to do and the Judge wants to do.....

Mr. Jeffcoat replied that would be his vote as he wants to honor the Chief Judge in this County, too. We have a Chief Magistrate, and I understand you have a Chief Law Enforcement, and I respect all of you but the Judge asked me to do that this morning so I told him I would make the motion and put this purchase on hold.

Sheriff Metts replied, I certainly don't have any problem with that. I just wanted you to understand

what the situation is and I hope that the Judge will get this squared away and we don't delay for months and months, and months. That is my concern because I don't know where the Circuit Court is in getting their video imaging system. I know where we are and I know where we are trying to go to and I just don't want to be put out there in "la la land" for now on. If we are not going to do it, I would rather you say we aren't going to do it and we will make other arrangements and we will continue to do what we are doing now and we will go backwards instead of forward.

Mr. Jeffcoat replied, as far as "la la land" you might want to talk to Judge Westbrook about that, I'm just doing what the Judge asked me to do this morning.

Sheriff Metts replied, I don't report to Judge Westbrook.

Mr. Jeffcoat replied, I don't either.

Sheriff Metts replied, I report to the people and to you for funding.

Mr. Rucker stated the request from Procurement is dated August 11th and asked whether Judge Westbrook was aware of this request.

Mr. Jeffcoat replied, I understand where you are coming from but Judge Westbrook asked me to please hold off on this purchase and that's what I am going to do.

Mr. Rucker replied he understood and has no problem with that but made reference to a sentence in the request that read "All the equipment to be purchased is an expansion of the equipment purchased by Judge Westbrook and meets the requirements of the South Carolina Supreme Court order for video conferencing equipment.

Mr. Jeffcoat asked does that mean we have to do it (approve) at this meeting?

Mr. Rucker replied that he agrees with the Sheriff in that Council should have had prior knowledge of this request by Judge Westbrook.

A motion was made by Mr. Derrick and seconded by Mr. Cullum to table the motion.

Vote on Motion to Table:

In Favor:	Mr. Davis	Mr. Derrick
	Mr. Cullum	Mr. Rucker
	Mr. Wilkerson	Mr. Keisler
	Mr. Jeffcoat	Mr. Carrigg
	Mr. Owens	

Chairman's Report - Chairman Davis announced that he has attended several meetings: The Central Carolina Economic Development Alliance, Lexington Chamber of Commerce, and a joint

meeting with SCDOT and several officials with the Town of Lexington.

J. Mitchell Graham Award - Chairman Davis announced that Lexington County won the J. Mitchell Graham Award during the 37th Annual South Carolina Association of Counties meeting in August and congratulated Sheriff Metts, Chief Tim James, and staff.

Chief Tim James gave a power point overhead of the presentation made to the judges for the J. Mitchell Graham competition.

Sheriff Metts stated what he said to the panel at the Association of Counties is that we took the “politics” out of the services for the people of Lexington County. By you allowing this process to move forward, allowing me to work with the County Administrator, the County Administrator to work with us and by your appointment of Asst. Sheriff Tim James as Public Safety Director as well as Asst. Sheriff of Lexington County we put together a philosophy that will improve the quality of life for the citizens of Lexington County. And as an elected official, let me say, this could not have happened, Mr. Chairman, members of County Council if it were not for you and allowing us the opportunity to show you that we can consolidate, coordinate, and communicate with public safety agencies in Lexington County to enhance quality of life. And to the County Administrator, Mr. Art Brooks, he is a jewel, he is a jewel, and I hope that he is around as the County Administrator for many years to work with me as Sheriff of the County because I have confidence in his ability; I have faith in what he does and I know that he is a true leader. And that is the reason, Art, that this worked because of your ability to work with us and to share with us and to the staff, Larry and everybody, and to the County Council. You know others in the state are envious of what you have done and what you have allowed us to do and it’s the concept that I hope will move forward because it is the right thing to do. To save money and provide efficient and effective services to all citizens of Lexington County without political influences dictating one way or the other. And to you members of County Council, thank you for the opportunity and I can assure you under the leadership of Tim James and others this program will do nothing but get better. Thank you and congratulations on winning the J. Mitchell Graham award. I think it is the first time in over 30 years that Lexington County has won such a prestigious award. My hat’s off to you. Thank you, gentlemen.

Administrator’s Report - Standard & Poor’s Bond Rating Review - Mr. Brooks announced the County received an “AA-” on the Standard & Poor’s bond rating review.

Electronic Voting Machines - Mr. Dean Crepes, Director of Registration and Elections, gave an demonstration of the new electronic voting machine.

Mr. Wilkerson asked the price per unit for each electronic voting machine.

Mr. Crepes replied, about \$3,000.00.

Mr. Wilkerson asked how many years will it be before the County will have all the voting machines it needs.

Mr. Crepes replied, right now the County has 700 which is based on a voting population of 125,000 and as the County grows, additional machines will need to be purchased. Mr. Crepes stated approximately four years to keep up with the growth population and said the County would need to purchase two a year.

Mr. Derrick asked how many electronic voting machines are in stock versus the number of punch card machines. Would it be a one-for-one swap?

Mr. Crepes replied, it would be approximately one-for-one. Mr. Crepes stated there are 700 electronic voting machines between the regular ones and 76 of the model 80-ADA.

Mr. Derrick asked, how many punch card machines does Registration and Elections have?

Mr. Crepes replied, 770. He stated a punch card machine will be in each precinct for emergency backup.

Mr. Carrigg stated since the citizens of Lexington County have been accustomed to the punch card machines that Registration and Elections should anticipate longer than normal lines initially and asked if there will be handouts of written copies of the referenda.

Mr. Crepes replied, as of right now we are supposed to along with what will be published in the papers.

Mr. Cullum asked if Registration and Elections could set up a town hall meeting to encourage citizens to interact and get familiar with the new voting machines prior to the November election.

Mr. Rucker suggested that Registration and Elections may want to look into providing demonstrations of the new voting machines at the County libraries and area churches.

Mr. Crepes replied he has no problem with that at all and indicated that he has already scheduled a demonstration at a local area church.

Mr. Cullum stated he agreed with using County libraries and area churches but felt it was incumbent upon Council to advertise and open up government facilities to encourage citizens to come visit to become familiar with the new voting machines.

Mr. Wilkerson stated he agreed that County libraries and area churches would be a good idea but the key would be to advertise so the public would be aware of dates and times.

Budget Amendment Resolutions - The following BARs were distributed and signed:

A supplemental appropriation increase of \$48,061.35 to record the receipt of capital items donated to Emergency Preparedness, EMS, Fire Service, Magistrates, and Law Enforcement during the FY

2003-04 fiscal year from various sources.

A supplemental appropriation increase of \$2,454,572.00 to appropriate carryover of funds in the following federal grants:

- 2400 Urban Entitlement Comm Development
- 2436 Multi Narcotics Task Force
- 2445 National Incident Based Reporting System
- 2449 VOCA Technical Equipment Grant
- 2451 FY02 Local Law Enforcement Block Grant
- 2452 FY03 Local Law Enforcement Block Grant
- 2471 Transportation Enhancement Program
- 2472 Landscape & Scenic Beautification
- 2476 State Homeland Security Grant
- 2477 Supplemental Homeland Security Grant
- 2479 SCDOT Rise Program

A supplemental appropriation increase of \$4,717,888.00 to appropriate carryover of funds in the following special revenue funds for County Council:

- 2000 Economic Development
- 2001 Rural Development Act
- 2120 Accommodations Tax
- 2130 Tourism Development Fee
- 2140 Temporary Alcohol Beverage License Fee
- 2141 Minibottle Tax

A supplemental appropriation increase of \$4,390,451.00 to appropriate carryover of funds in the following special revenue funds:

- 2409 Clerk of Court Title IV-D Process Server
- 2410 Clerk of Court Title IV-D Child Support
- 2411 LE/Title IV-D Process Server
- 2501 Sol/Community Juvenile Arbitration
- 2530 Water Recreation Resources Taxes
- 2600 Clerk of Court/Professional Bond Fees
- 2605 Emergency Telephone System E-911
- 2606 SCE&G Support Fund
- 2630 LE/Narcotics Forfeiture Funds
- 2632 LE/Inmate Services
- 2637 LE/Federal Narcotics Forfeiture Funds
- 2638 LE/Civil Process Server
- 2642 LE/Alcohol Enforcement Team
- 2930 Personnel/Employee Committee
- 2950 Treasurer/Delinquent Tax Collections
- 2990 Finance/Grants Administration

2999 Pass-Thru-Grants

A supplemental appropriation increase of \$5,153,321.00 to appropriate carryover of funds for capital and operating items. Fire Service's portion of the carryover is \$2,375,072.00 and Law Enforcement's portion of the carryover is \$656,192.00.

A supplemental appropriation increase of \$58,456.00 to appropriate carryover of funds for capital items for Library Services.

A supplemental appropriation increase of \$6,476,130.00 to appropriate carryover of funds for capital items for Public Works.

A supplemental appropriation increase of \$810,021.00 to appropriate carryover of funds for capital items for Solid Waste.

A supplemental appropriation increase of \$10,018.00 to appropriate carryover of funds for capital items and a supplemental appropriation increase of \$33.00 to appropriate interest earned on Fund 4502 - Auxiliary Building Renovations.

A supplemental appropriation increase of \$846,682.00 to appropriate carryover of funds for capital items and a supplemental appropriation increase of \$16,866.00 to appropriate interest earned on Fund 4440 - EMS Healthcare Delivery Systems.

A supplemental appropriation increase of \$2,679.00 to appropriate carryover of funds for capital items and a supplemental appropriation increase of \$78.00 to appropriate interest earned on Fund 4503-Lexington Bar Association.

A supplemental appropriation increase of \$245,421.00 to appropriate carryover of funds for capital items for Fund 5800-Pelion Airport.

An appropriation transfer and a supplemental appropriation increase of \$43,050.00 to transfer funds from Economic Development to the Pelion Airport fund to renovate the buildings at the Pelion Airport.

A supplemental appropriation increase of \$8,000.00 to appropriate grant award received from Department of Homeland Security to establish, organize, and support a local Citizen Corps Council and Community Emergency Response Team (CERT).

An appropriation transfer of \$5,941.00 from contingency to hire a part-time clerk in Common Pleas in the Clerk of Court's office for a period of six months.

A supplemental appropriation increase of \$25,863.00 to appropriate budget for the Lexington County Sheriff's Department's contract with Lexington/Richland Alcohol and Drug Abuse Council to

enforce the legal age for purchasing alcohol. This budget was not requested in the annual budget process because LRADAC was not sure they would have funds to continue this program.

A supplemental appropriation increase of \$89,195.00 to appropriate funds in contracted services for drug treatment in the amount approved by the grantor, Department of Health and Human Services, Substance Abuse and Mental Health Services Administration. The Solicitor appropriated \$100,000.00 and the grantor approved \$189,195.00 to include payments for the performance data reporting as specified in the RFA.

A supplemental appropriation increase of \$226,343.00 to appropriate funds to construct and install a waterworks system and sewer system serving the Isle of Pines area. Funds will be provided by general obligation bonds of the County and repaid entirely with the special tax imposed within the Isle of Pines area.

Mr. Davis asked if the County has received all the appropriated funds from Drug Court?

Ms. Evelyn Babbitt, Grants Manager, stated Drug Court has a federal grant that covers their expenses 100 percent and they (Drug Court) had asked that a performance evaluation be done. She said the County contracted with Alternative Services to perform the evaluation. Therefore, increasing contractual services by \$89,195.00

Approval of Minutes - Meeting of July 27, 2004 - A motion was made by Mr. Wilkerson, seconded by Mr. Cullum that the minutes be approved as submitted.

Mr. Davis opened the meeting for discussion; no discussion occurred.

In Favor:	Mr. Davis	Mr. Wilkerson
	Mr. Cullum	Mr. Rucker
	Mr. Derrick	Mr. Keisler
	Mr. Jeffcoat	Mr. Carrigg
	Mr. Owens	

Zoning Amendment - Zoning Map Amendment M04-04 - Torrey Pine Lane, Little Gap Court, Little Gap Lane Located in Crystal Pines - Announcement of 1st Reading - Mr. Davis announced first reading of Zoning Map Amendment M04-04.

Ordinances - Ordinance 04-03 - Amending the Lexington County Landscape Ordinance - 3rd and Final Reading - Mr. Rucker made a motion, seconded by Mr. Jeffcoat that Ordinance 04-03 be given third and final reading.

Mr. Davis opened the meeting for discussion; no discussion occurred.

In Favor:	Mr. Davis	Mr. Rucker
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Mr. Jeffcoat	Mr. Derrick
Mr. Wilkerson	Mr. Keisler
Mr. Carrigg	Mr. Owens
Mr. Cullum	

Ordinance 04-06 - An Ordinance to Establish and Create a Special Tax District Within Lexington County, South Carolina, to be Known as “Isle of Pines Special Tax District” - Not to Exceed \$400,000 - 3rd and Final Reading - Mr. Jeffcoat made a motion, seconded by Mr. Owens that Ordinance 04-06 be given third and final reading.

Mr. Davis opened the meeting for discussion; no discussion occurred.

In Favor:	Mr. Davis	Mr. Jeffcoat
	Mr. Owens	Mr. Rucker
	Mr. Derrick	Mr. Wilkerson
	Mr. Keisler	Mr. Carrigg
	Mr. Cullum	

Economic Development, J. Jeffcoat, Chairman - Request for Approval to Apply for Grant - Grant Agreement #1482 Between S.C. State Budget and Control Board and Lexington County/Joint Municipal Water and Sewer Commission - Mr. Jeffcoat stated that during the afternoon committee meeting the Economic Development Committee considered a grant application for the Lexington County Joint Municipal Water/Sewer Commission to apply for a pass through grant from the State Budget and Control Board in the amount of \$350,000. The grant is for the purpose of constructing 70,000 linear feet of force main in order to close out the Lexington County Joint Municipal Water and Sewer Commission Old Barnwell waste water treatment plant. No matching funds are required. The Committee voted to recommend to Council that the grant application be approved.

A motion was made by Mr. Jeffcoat and seconded by Mr. Owens that the grant application be approved.

Mr. Davis opened the meeting for discussion; no discussion occurred.

In Favor:	Mr. Davis	Mr. Jeffcoat
	Mr. Owens	Mr. Rucker
	Mr. Derrick	Mr. Wilkerson
	Mr. Keisler	Mr. Carrigg
	Mr. Cullum	

Airport Committee, B. Rucker, Chairman - Pelion Corporate Airport - Community and Economic Development - Mr. Rucker stated his committee met during the afternoon and discussed the transfer of funds for the Pelion Corporate Airport and indicated staff was still in the process of

obtaining one lease agreement that has not been received. He stated once all leases have been received, the County will move forward with the purchase of the Pelion Corporate Airport.

Mr. Rucker stated the committee also discussed certain guidelines that are required by the FAA prior to the purchase of the Pelion Corporate Airport.

Mr. Rucker made a motion, seconded by Mr. Cullum that Council authorize the Chairman to sign all necessary documents required by the FAA upon purchase of the Pelion Corporate Airport.

Mr. Davis opened the meeting for discussion; no discussion occurred.

In Favor:	Mr. Davis	Mr. Rucker
	Mr. Cullum	Mr. Derrick
	Mr. Wilkerson	Mr. Keisler
	Mr. Jeffcoat	Mr. Carrigg
	Mr. Owens	

Public Works, B. Derrick, Chairman - Legal Closing of Creek Ranch Road - Public Works -

Mr. Derrick reported his committee met during the afternoon to discuss the legal closing of Creek Ranch Road.

Mr. Derrick made a motion, seconded by Mr. Owens to approve staff's recommendation to pursue legal action in closing Creek Ranch Road.

Mr. Davis opened the meeting for discussion.

Mr. Jeffcoat asked whether the adjacent property owner, who owns approximately 500 feet, is in agreement to the road closing.

Mr. Fechtel, Director of Public Works, stated staff will be notifying the adjacent property owner and posting signs as well.

Mr. Jeffcoat asked what would the procedure be in the event there is an objection by the adjacent property owner.

Mr. Fechtel replied, then staff would come back to Council asking that Council not pursue the legal closing of Creek Ranch Road.

Mr. Jeffcoat asked if this is a part of the motion.

Mr. Davis replied, yes. He stated in the past if there are any objections, Council would not pursue legal action in closing of a road.

Mr. Derrick stated the property owner could pursue legal action in closing the road if he desires and indicated the adjacent property could also request that his portion not be closed. In doing so, the County could still close 1.5 miles of Creek Ranch Road belonging to Mr. Luther Kneece if there are no other objections.

In Favor:	Mr. Davis	Mr. Derrick
	Mr. Owens	Mr. Rucker
	Mr. Wilkerson	Mr. Keisler
	Mr. Jeffcoat	Mr. Carrigg
	Mr. Cullum	

Ozone Early Action Policies - Public Works - Mr. Derrick reported his committee met during the afternoon to discuss staff's proposed Ozone Early Action Policy.

Mr. Derrick made a motion, second by Mr. Wilkerson to approve staff's proposed Ozone Early Action Policy plan.

Mr. Davis opened the meeting for discussion; no discussion occurred.

In Favor:	Mr. Davis	Mr. Derrick
	Mr. Wilkerson	Mr. Rucker
	Mr. Keisler	Mr. Jeffcoat
	Mr. Carrigg	Mr. Owens
	Mr. Cullum	

Committee of the Whole, S. Davis, Chairman - Classification and Compensation - Mr. Davis reported the committee of the whole met during the afternoon to discuss the implementation of the classification and compensation plan and reported it is currently in recess for further discussion.

Presentation - Ms. Ellen Stringer, Youth Services Coordinator - Library Services - Hispanic Programs Offered Through Lexington County Library - Thank you Mr. Chairman, Council members, and guests. Thank you for the opportunity to take a few minutes to tell you about an exciting family literacy initiative whose programs are taking place at the library. This outreach is the result of a partnership joining the library, the Parenting Information and Resource Center of Lexington School District One and ETV's Ready to Learn and targets our new Hispanic neighbors in Lexington County and their young children.

Through a series of programs centered around cultural celebrations and holidays, our Sureños, or Southerners, committee has invited Hispanic families into the library, introduced them to our collections and services and helped acquaint them with the educational opportunities available to them. As they become regular library users and form the habit of reading with their children in Spanish and in English, they become empowered to be better advocates for their children's education and have the important chance to give back to their community.

One of our programs in our series, the Bilingual Puppet Show to kick off the Summer Reading Program in May, featured one of the Hispanic moms who had participated in earlier programs with her two preschool children. Selene Martinez and her husband built a puppet stage, sewed curtains, backdrops, made puppets, and developed bilingual scripts from two well loved picture books. She was proud to be able to contribute her time and talents to the library where she has been welcomed and has made friends. After the performance, Selene donated the stage and puppets to the library. Another Hispanic mom in attendance offered to volunteer at the library as an interpreter, and her two sons joined the Lexington Main Jr. Volunteer program for the summer. Here today is a charter member of the Surenos committee, Maria Arroyo. She is a parent educator for Lexington District One where she works in the Parent - Child Home Program providing home visits to families with toddlers in the Hispanic community. During these visits, Maria uses bilingual books and educational toys to instruct parents in ways to teach their children and to prepare their children for kindergarten and learning to read. She is also a dedicated library volunteer who has translated library forms, flyers, brochures, and even our state summer reading poster. After programs in the library, she helps families apply for library cards and acts as a library guide.

Over a period of two years, Surenos have planned and hosted two Féliz Havidad celebrations, Hispanic Heritage programs, an Easter or Pascua event, the Bilingual Puppet Program, I just discussed, and an ETV Ready to Learn Workshop on the bookmobile or bibliobus. This bookmobile parenting education program on April 19 was a first for ETV and for the Library system. The bookmobile went to a neighborhood in Gilbert and hosted eight moms and their toddlers and preschool children for a hands-on demonstration of early literacy activities. Now the bookmobile has established a stop in this neighborhood and looks forward to growing usage and future programs.

No matter what holiday or celebration provides the impetus for a program, two things remain constant. Every program is open to the public with the whole family included and each program features bilingual activities such as story times and songs to share. We share our many different traditions and this cultural exchange leads to mutual understanding and respect.

Lexington County Surenos group has gained a reputation for leadership in the area of service to the growing Hispanic community and has been asked to present to the Lowcountry Children's Librarians and in September for a USC workshop for librarians from around the state. In October our Bookmobile program will be highlighted at the National Ready to Learn Conference in Baltimore.

Youth Services of Lexington County Public Library is committed to fostering literacy and a love of reading and learning. We continue to learn from our children and strive to become a vital educational partner with other Lexington County groups as we work together to make sure that all children enter school well-equipped to learn and to succeed.

Thank you all for your invaluable support and please join us, if you can, for our fall celebration on Saturday, October 30 at Lexington Main Library. Gracias.

Mr. Wilkerson asked if there are any Hispanics employed in the Lexington County Library system.

Mr. Stringer replied, only in a volunteer capacity.

Mr. Wilkerson suggested that the County may want to investigate hiring Ms. Maria Arroyo full-time for the Library system and said it would be a positive move in helping to prepare students with the English language when they begin school.

Ms. Stringer said this was brought to their attention this past spring during a worker's comp hearing at the Lexington Main Library when an interpreter was needed.

Mr. Chairman recognized Senator Cromer and Mrs. Beth Derrick who were in attendance.

6:00 P.M. - Public Hearings - Zoning Map Amendment M04-03 - 234 St. Andrews Road - Ms. Joyce Munsch, Zoning Administrator, presented the information on M04-03. Ms. Munsch stated the applicant Mr. Jack Parker has requested that 234 St. Andrews Road, identified by tax map # 2822-03001, be changed from Low-Density Residential (R1) to Neighborhood Commercial (C1). She stated that Mr. Parker indicated on the application that the reason for the request is that he has had several inquiries about using his house for an office and because of the R-1 zoning, is unable to sell or rent the house for this type of use. The requested change is to improve marketability.

Ms. Munsch stated the property is approximately 1/3 acre. The neighborhood is predominately residential. The zoning is R1. There is some C2 on the Cluster of Whitehall and on Clusters Court it is C1.

Mr. Jeffcoat stated according to the deed restrictions it states "no use shall be made of the property, or of any right or privilege appurtenant thereto, other than for private residential purposes of a single family" and asked if Council has the right to override a deed restriction.

Ms. Munsch replied, no.

Mr. Jeffcoat asked why is Council addressing this if the deed restrictions stipulates that it cannot be used for any other purpose than single-family dwelling.

Ms. Munsch replied normally anyone that would like to have a classification changed, the County does give them the opportunity. She stated she spoke with Mr. Parker and advised him that the deed restrictions did not allow this change, even if you were to change this particular classification, he would not be allowed to do it and I would not issue

Mr. Carrigg stated Council can change the zoning classification and he can open up a business but then the other homeowners of Whitehall would have to pay legal expenses to bring an action in court to stop him from doing it and we would basically be sanctioning a breach of contract. When he inherited the house, he inherited it with the restrictions that it would be a single-family residence. If we authorize him to sell it or open up a business there, we would be shifting the burden to the homeowners of Whitehall to have to go to court to enforce their deed restrictions.

Mr. Cullum asked if Council knows if the deed restrictions apply to this property because according to what he read the deed restrictions are to tax map #289903 and the one in question is tax map #282203 and said it may apply but was not sure.

Ms. Munsch replied, that was the parent parcel.

Mr. Cullum asked, it does apply?

Ms. Munsch replied, it does apply. Ms. Munsch stated she counseled Mr. Parker what his options were and he wanted to come before Council to make a recommendation and said the County tries not to deny someone that privilege.

Mr. Jeffcoat stated he is having a very difficult time with this because

Mr. Davis stated Council does have the authority at this time to either decide to have a public hearing or not have a public hearing on this matter; we can deny this zoning appeal based on individual feelings or thoughts without the public hearing but felt it would be wise to grant those who signed up to speak and Council would have completed Council's obligation on the public hearing and suggested to move forward with the public hearing.

Ms. Munsch stated in 1986 a request for change in zoning from R1 to C1 was denied for the subject property as well as several other parcels in the immediate area. The amendment was tabled by County Council until the applicant could take care of the deed restrictions and said staff is aware that the deed restrictions do not allow any commercial use on this property.

Mr. Davis opened the Public Hearing.

Ms. Susan Futrell, 158 St. Andrews Road, Columbia, SC 29210 - I would like to see it be changed to light commercial for one reason - the traffic. For one reason where the church is where they took two of the houses away that makes it looks like it is going toward commercial.

Mr. Jack Parker, 1216 Old Road, Chapin, SC 29036 - I'm like this, I inherited the house when my mother passed away a couple of years ago, and personally, I was not in favor of having it rezoned for commercial. I have had it on the market for a year now and have not had one person to offer me a dime for the house so I have no choice to either try to do this or rent the house. I hope you will understand this, that tomorrow I will have to go and rent the house if I don't get it rezoned because I can't afford the taxes and insurance and continue to pay all of this without something coming in. I know several years ago when my mother was alive that they had this same hearing many, many years ago and I can't remember whether she was in favor or not but, bless her sole, she lived on and they operated a business out of that house as Mr. Mungo can probably attest to for about fifteen years, Columbia Communications, and it didn't seem to bother anybody; it didn't bother Mr. Mungo who lives right across the street. The house is right back up against the Clusters of Whitehall and every time they dump garbage over there you hear it because it is right in your backyard. So we are

commercialized really, but it's just not on paper. We are not commercialized on paper but we are in the backyard of Clusters of Whitehall. I appreciate if you will consider it, if not, I appreciate it, too. Thank you.

Mr. Robert F. Fuller - 1728 Main Street, Columbia, SC - I am an attorney from Columbia, Mr. Chairman, representing Mr. Parker in connection with the application and have not represented him over a long period of time. But I did want to address very briefly what Mr. Jeffcoat and Mr. Carrigg were discussing.

Certainly, Mr. Parker understands the residential restrictions that do apply to the lot exists in Whitehall. Whether or not those can be alleviated or whether they can be alleviated in affect, whether they can be challenged is something that simply is under advisement. I was not involved in nor do I think Mr. Parker indicated he was involved in whatever the proceedings were in 1986 when that was a matter of some consideration, apparently. Mr. Carrigg will remember that in law school we all had occasion to deal with a legal principle called the rule against perpetuities. Whether or not these restrictions are enforceable by virtue of possibilities involving violation rule against perpetuities, it appears to be at least a question to me and to some other real estate lawyers that I have talked with about it. Mr. Parker's inclination is not to have you act on this and immediately try to operate it as a commercial venture knowing that the deed restriction is in place but with the possibility of it being a commercial property; evaluate the prospects of whether or not it is worthwhile to challenge the enforceability of this restriction provisions. That would probably be his inclination, would be to pursue that route and not have somebody have to try to challenge him to prevent something beginning there. As he has indicated to you, he is the first piece of property adjacent to the already commercial section. He is in essence a commercial property in esse and is looking for a way to make the property that is no longer that is being used as a family residence worthwhile for the family. The prospects of selling it would be greatly enhanced were it zoned commercial with the ability to do something commercial on it. The possibility of its continued availability as a residential property will probably be limited as he has indicated to rental use for residential purposes. There is a question certainly about the viability of the enforceability of the restrictions that he understands may prevent him operating it commercially even if Council were to rezone the property.

Mr. Chester Sansbury, 418 Harrow Drive, Columbia, SC 29210 - I am president of the Whitehall Homeowner's Association. We have about 1200 residents or parcels in our subdivision. I can understand Mr. Parker's concerns about not being able to sell the property but I heard some of the discussion too, and in fact, let me say that I'm confident that you will disapprove of this rezoning for the simple fact that it does not comply with the deed restrictions or the covenants of the subdivision. The subdivision regulations, as you know which are developed by the County, a developing of covenants are then developed consistent with those regulations so the County indirectly approves the covenants and deed restrictions through the subdivision regulation process. The Homeowners' Association already faces many challenges to prevent use of property which violates our subdivision covenants. You going on record against this request would confirm your recognition that zoning changes which are not consistent with deed restrictions are inappropriate and

thereby prevent the owner being placed on the Homeowners' Association, which I represent, which the Board opposes this rezoning request. We are faced with some instances in our subdivision now in which we may have to go to court to enforce the covenants. I have already written, in one case, a recent letter to the Zoning Administrator to enforce R1 zoning restrictions against a rental property in our subdivision and hopefully some positive results will come out of that. So, I encourage you tonight to deny this rezoning request. Thank you.

Mr. Bob Jones, 127 Burnsdawn Road, Columbia, SC 29210 - We back up at a triangle to the house that they want to rezone. I am going to give most of my time to Michael Mungo because he put the restrictions on this property. I would like to remind you, though, that in your own zoning ordinance once you rezone it to C2, there are 59 items on this sheet that they can convert that house to or that piece of property and we are very definitely against it along with the ladies that are with us in the back of the room. We are just very definitely against it. We have enough troubles with Stix's Bar down there where the cops have to come every Saturday night for the noise and we don't need anymore of it. Thank you.

Mr. Michael Mungo - 201 St. Andrews Road, Columbia, SC - Forty-four years ago in 1960 I placed restrictions on all of this property in Whitehall and it was a very unusual thing because in the old days most people put restrictions on property and they expired in twenty years and you could put anything you wanted to on them. But I wanted something that went into perpetuity because I live across the street from this property. I am down about a block but I own thirteen acres around my house, all of which is zoned for residential purposes. Had I wanted to make it commercial, it would have been worth about ten million dollars, but I elected to have it residential and I made them an obligation because the covenants say "we", "we the lot owners" covenant and agree, not my superimposing something on them, but every purchaser of a lot in there agreed to the restrictive covenants. We covenant and we agree that we are going to do this and never break it. This particular lot does adjoin a strip shopping center that I built and it was sold for much less than the other lots because it did adjoin that property and was a difficult place to be in. But, if you for any reason approve this, all you are going to do is force me, because I have a morale obligation to the 1200 people that brought lots in there from me, to go to court and get a restraining order to keep this from being done. You don't have the authority by any stretch of the imagination to overrule restrictive covenants that people have agreed to put on property to protect themselves. I have a home across the street that is worth about three-quarters of a million dollars and it would really make me very unhappy if that could be affected. This has been tried repeatedly and the fact that there was a business there, I have no knowledge of it. You can operate something out of your house and do it in the backyard or in the carport and no one would really know that. That are no overt businesses of which I am aware; I would not allow it. I would go to court and seek a restraining order that they obey the restrictions. And I give you one other thing, if a lawyer really checks back into it, I bought this property from my mother-in-law and father-in-law forty-five years ago and they put a restriction on it that said it could be only used for residential. So there is a double set of restrictions on this property saying it can only be used for residential purposes and nothing else. If we had wanted all St. Andrews Road to be business, we would have done that and it would have been worth an awful lot of money. But, I chose to live there and I have lived there since 1955. I will live there until the

day I die because that is my home and I have an obligation to these other people and I don't see any reason that you should force us to go to court to force a legal document that everyone, if they look at it and read it, says I agree when I buy this property that I will abide by the rules; that's what it says. Thank you very much.

Mr. Davis closed the public hearing.

FY2004 Local Law Enforcement Block Grant - The purpose of the hearing is for the distribution of the Federal Grant Award in the amount of \$51,097.00 from the Bureau of Justice Assistance - Local Law Enforcement Block Grant. The following is the recommended distribution: Court System - \$6,400.00, Law Enforcement - \$38,297.00, School System - \$2,400.00, and Non-profit Action in Crime Prevention - Sistercare - \$4,000.00.

Mr. Davis opened the public hearing.

No comments, in favor or against, were received.

Mr. Davis closed the public hearing.

Old Business/New Business - Committee Report - Pelion Corporate Airport - Mr. Rucker reported that the Airport Committee met on Tuesday, July 27, 2004 to discuss the following:

On-site Management - Ms. Tammy Coghill, Director of Economic Development discussed the need for security at the Pelion Corporate Airport once the County has taken possession and indicated the Sheriff's Department is willing to relocate a special operations division to the airport to provide short-term/long-term on-site management.

The committee voted to recommend that Council allow the Sheriff's Department to relocate a special operations division to the Pelion Corporate Airport once the County has taken ownership to provide short-term/long-term on-site management.

Leases - Ms. Coghill discussed the new lease agreement that would replace all current leases and indicated there were issues of concern expressed either by one or more tenants.

The committee voted to recommend that Council approve the new lease agreement as recommended by the County attorney and to obtain termination of existing leases with the Town prior to closing.

Terminal Building Repairs - Ms. Coghill discussed basic repairs necessary to the terminal building and asked that funds be made available once the County has taken possession of the airport in order to begin renovations. The estimated cost for material and equipment will be approximately \$21,450 with an additional \$21,600 estimated for labor. Labor will be provided internally through Building Services. The total estimated cost is \$43,050.

The committee voted to recommend that Council approve a \$21,600 transfer from Economic Development in order to proceed with renovations upon possession of the Pelion Corporate Airport.

Mr. Rucker made a motion, seconded by Mr. Cullum to adopt the committee's report and recommendations.

Mr. Davis opened the meeting for discussion.

Mr. Wilkerson questioned whether this was the budget amendment resolution that was just signed by Council.

Mr. Rucker replied, it is. Mr. Rucker stated staff had asked that this be clarified for the record.

In Favor:	Mr. Davis	Mr. Rucker
	Mr. Cullum	Mr. Derrick
	Mr. Wilkerson	Mr. Keisler
	Mr. Jeffcoat	Mr. Carrigg
	Mr. Owens	

Drug Court - Assistant Solicitor - Grade 24 - Mr. Jeffcoat stated Solicitor Myers had contacted him regarding the position of an Assistant Solicitor - Grade 24 that Council approved last year. He said Solicitor Myers held the position open until he knew whether he would receive the funding for Drug Court, however, Solicitor Myers did not include this position in his current FY2004-05 budget. Mr. Jeffcoat said there is some question whether adequate funding is available for this position and asked if Solicitor Myers has the funds, Federal or State, would it be permissible to allow the Solicitor to fill the position.

Mr. Wilkerson asked if Council approved the position and funding last year.

Mr. Jeffcoat replied, this is under a grant.

Ms. Evelyn Babbitt, Grants Manager, interjected and stated it is not grant money. Ms. Babbitt stated Solicitor Myers asked for it in the Federal Adult Drug Court Grant but they said the funds could not be used for a solicitor. He could hire another staff person but not a solicitor; they wouldn't pay for it. She said she believes what Solicitor Myers wants to do is use the money that is coming through the Prosecution Commission, the \$150,000 a year he receives.

Mr. Jeffcoat asked if that is something he can or can't do.

Ms. Babbitt replied, he could use the \$150,000 for it.

Mr. Jeffcoat asked if Solicitor Myers can legally fund this position that was approved and not filled

last year would Council.....

Mr. Wilkerson asked what was the amount of funds that was carried over in the Solicitor's budget this year.

Ms. Babbitt replied, we carried over nothing. Nothing in the Solicitor's State fund because he only paid us to zero it out at the end of the year. In Drug Court he gave us enough money out of the last \$150,000 to cover the deficit in Drug Court. So Drug Court is zero and the Federal Grant is picking up all expenses now. The Solicitor State Fund started the year at zero with him.

Mr. Jeffcoat asked, so it is your impression that Solicitor Myers wants to do what?

Ms. Babbitt replied, he probably wants to use the \$150,000 that he gets a year through the Prosecution Commission.

Mr. Jeffcoat asked, could he legally do that?

Ms. Babbitt replied, it is specified to be used for Drug Court. If the Solicitor was handling Drug Court, I would assume that would be possible.

Mr. Carrigg asked whether Solicitor Myers currently uses the \$150,000 to fund other activities in his office and if he receives the \$150,000 annually.

Ms. Babbitt replied, he just got it last year for the first time.

Mr. Jeffcoat replied, he got it again this year.

Mr. Cullum asked where did Council approve to fund it.

Mr. Carrigg replied, out of Drug Court money.

Ms. Babbitt replied, out of a Drug Court Grant, but the grant denied it.

Mr. Cullum replied, Council approved the position but the Solicitor was denied the use of the money in which he thought he could use it for.

Mr. Jeffcoat replied, he does not know that to be a fact, but that's what it sounds like.

Mr. Owens stated if the Solicitor has \$150,00 he could use that money for whatever.

Mr. Jeffcoat made a motion, seconded by Mr. Cullum to allow the Solicitor to have the Assistant Solicitor position for the Drug Court program if he has the funds from motion fees or whatever it might be as long as he is using money that has been slated for Drug Court other than what Council

appropriated.

Mr. Davis opened the meeting for discussion.

Mr. Wilkerson asked if the \$150,000 is guaranteed every year.

Ms. Babbitt replied, the motion fees as long as they are still by proviso. State proviso says everybody pays this motion fee and as long as that is collected then he will get the \$150,000.

Mr. Carrigg stated currently there is a lawsuit pending on the legality of the motion fees.

Ms. Babbitt replied, no that is an additional fee that Chief Justice Toal

Mr. Carrigg asked if this \$150,000 has anything to do with the current lawsuit.

Ms. Babbitt replied, no, not the lawsuit money.

Mr. Jeffcoat reiterated the motion was that if funding is available that the Solicitor could use it to support this position but not money that Council appropriated for his operation and asked for Council's approval but said if he cannot do that then the Solicitor does not get the position.

Mr. Davis asked if the motion included a vehicle and perks from taxpayers' money.

Mr. Jeffcoat replied, this does not come from taxpayers' money. He stated he is unsure about insurance and stated "I don't know, I don't know the answer for that." But I do know the answer to the car; we don't have to give him a car.

Mr. Rucker stated he doesn't know if he wants to vote for or against this motion as he does not have enough information and asked if this could be tabled.

Mr. Wilkerson stated he would like this request to be tabled as he has heard the word "assumed" more than once and

Mr. Rucker made a motion, seconded by Mr. Carrigg to table the motion.

Vote on Motion to Table:

In Favor:	Mr. Davis	Mr. Rucker
	Mr. Carrigg	Mr. Derrick
	Mr. Wilkerson	Mr. Keisler
	Mr. Jeffcoat	Mr. Cullum

Not present: Mr. Owens *

Mr. Owens was not present when the vote was taken.

Contractual Services - Solicitor's Office - Mr. Davis stated Council needed to take action on a \$25,000 purchase request from the Solicitor's office because the requested dollar amount. He stated the request is for the contractual services of Jack L. Hensell, II that was approved in the Solicitor's FY2004-05 budget.

Mr. Rucker made a motion, seconded by Mr. Cullum to approve the \$25,000.00 purchase request for contractual services.

Mr. Davis opened the meeting for discussion; no discussion.

In Favor:	Mr. Davis	Mr. Rucker
	Mr. Cullum	Mr. Derrick
	Mr. Wilkerson	Mr. Keisler
	Mr. Jeffcoat	Mr. Carrigg

Not Present: Mr Owens *

* Mr. Owens was not present when the vote was taken.

Oak Grove Magistrate's Office Dedication - Mr. Davis reminded Council that Sunday, August 29 at 3:00 p.m. is the dedication of the new Oak Grove Magistrate's office.

Columbia Metropolitan Convention Center Ribbon Cutting and Gala - Mr. Davis asked Council to make reservations for the Columbia Metropolitan Convention Center Ribbon Cutting and Gala for Thursday, September 23.

Executive Session/Legal Briefing - A motion was made by Mr. Wilkerson, seconded by Mr. Derrick to go into Executive Session to receive the legal briefing and to discuss contractual matters.

In Favor:	Mr. Davis	Mr. Wilkerson
	Mr. Derrick	Mr. Rucker
	Mr. Keisler	Mr. Jeffcoat
	Mr. Carrigg	Mr. Cullum

Not Present: Mr. Owens *

Mr. Owens was not present when the vote was taken.

Mr. Davis reconvened the meeting in open session.

Matters Requiring a Vote as a Result of Executive Session - Chairman Davis reported Council

received the legal briefing, discussed personnel and contractual matters during the Executive Session and indicated one motion was to be considered.

Volunteer Firemen Subsistence Pay - Mr. Keisler made a motion, seconded by Mr. Cullum to approve reimbursing volunteer firemen an additional \$5.15 for calls made during the period of June 1, 2003 through May 31, 2004. The total cost of reimbursement will be funded through the remaining balance of \$126,241.95 in the approved budget for FY2003-04.

Mr. Davis opened the meeting for discussion; no discussion occurred.

In Favor:	Mr. Davis	Mr. Keisler
	Mr. Cullum	Mr. Derrick
	Mr. Wilkerson	Mr. Jeffcoat
	Mr. Carrigg	Mr. Owens

Abstaining: Mr. Rucker *

Mr. Rucker abstained as he is a volunteer fireman.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Dorothy K. Black
Clerk

George H. Smokey Davis
Chairman

Diana W. Burnett
Assistant Clerk to Council